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October 25, 2022

MEMO ENDORSED

The Application is granted.

SO ORDERED:

Paul G. Gardephe
Paul G. Gardephe, U.S.D.J.

Dated: October 31, 2022

VIA ECF

Hon. Paul G. Gardephe
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: United States v. Nicole Bell, 21-cr-145 (PGG)

Your Honor:

I was appointed CJA counsel to Nicole Bell. I write to respectfully request that the Court terminate the home confinement with electronic monitoring condition of Ms. Bell's supervised release. Both the government and Probation take no position on the instant application.

On May 10, 2022, the Court sentenced Ms. Bell to time served and five years supervised release, with the first six months of supervised release on home confinement enforced by electronic monitoring. Ms. Bell has also been receiving mental health treatment as ordered by the Court.

Ms. Bell's home confinement with electronic monitoring is scheduled to end on January 6, 2023.¹

On July 29, Ms. Bell began working at Trader Joe's. On October 21, 2022, Ms. Bell obtained a second job doing maintenance overnight at a music venue. She currently only works her second job on days when she does not also work at Trader Joe's because Probation has informed her that she cannot work two shifts in one day because of her electronic monitoring.

¹ After being sentenced by this Court on May 10, 2021, Ms. Bell was taken into custody by New York State and held on Riker's Island based on an open warrant for related charges in South Carolina. On May 27, 2021, Ms. Bell was transported to South Carolina and that matter was resolved on June 15, 2022.

Probation has also informed defense counsel that in speaking to Ms. Bell's therapist, the therapist advised that the location monitoring is causing Ms. Bell more anxiety.

Allowing Ms. Bell to work a second job will allow her to make higher payments toward her Court ordered restitution. We believe that she is a good candidate for early termination of her home confinement with electronic monitoring, and respectfully request that the Court end that condition of her supervised release.

Thank you for your consideration in this matter. I am, of course, available to provide more information at the Court's convenience.

Respectfully submitted,

/s/

David S. Greenfield

cc: All Parties (via ECF)
Probation Officer Adam Pakula (via email)